

Under Section 307(b)(1) of the Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 20, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act, 42 U.S.C. 7607 (b)(2)).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any State Implementation Plan. Each request for revision to the State Implementation Plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

#### SIP Actions

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute

Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2) and 7410(k)(3).

#### Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this State Implementation Plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under section 246 of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: September 29, 1995.

Patrick M. Tobin,

*Acting Regional Administrator.*

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

#### Subpart L—Georgia

2. Section 52.570 is amended by adding paragraph (c)(48) to read as follows:

#### § 52.570 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(48) Clean Fuel Fleet program submitted to EPA by the Georgia Department of Natural Resources on May 5, 1994.

(i) Incorporation by reference.

(A) Addition of Regulations 391-3-21-.01, "Definitions," 391-3-21-.02, "Covered Area," 391-3-21-.03, "Covered Fleet Operators," 391-3-21-.04, "Covered Fleet Vehicles," 391-3-21-.05, "Determination of Capable of Being Centrally Fueled," 391-3-21.06, "Purchase Requirements," 391-3-21.07, "Emission Standards," 391-3-21.08, "Credit Program," 391-3-21.09, "Transportation Control Exemptions," 391-3-21.10, "Requirements for Fuel Providers," 391-3-21-.11, "Enforcement" which became effective on May 22, 1994.

(ii) Other material. None.

[FR Doc. 95-31038 Filed 12-20-95; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Public Land Order 7177

[AK-932-1430-01; A-061697, AA-45553]

#### Withdrawal of Public Land for the Glacier Loop Administrative Site; Revocation of Secretarial Order dated December 31, 1941; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

**SUMMARY:** This order withdraws 22.51 acres of public land from all forms of appropriation under the public land laws, including location and entry under the mining laws, for a period of 20 years for the Department of Agriculture, Forest Service, to protect the Glacier Loop Administrative Site. The land has been and will remain closed to mineral leasing as it is located within an incorporated city (30 U.S.C. 181 (1988)). This order also revokes in its entirety a Secretarial order as it affects 27.06 acres of public land withdrawn for use by the Federal Aviation Administration as Air Navigation Site No. 173. The land is no longer needed for the purpose for which it was withdrawn. The public land that will not be withdrawn for use by the Forest Service will be subject to the terms and conditions of Public Land Order No. 5180, as amended, and any other withdrawal of record.

**EFFECTIVE DATE:** December 21, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Robbie J. Havens, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), and by Section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1) (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1988)), for protection of the Glacier Loop Administrative Site:

**Copper River Meridian**

Located within T. 40 S., R. 66 E., described as U. S. Survey No. 3758, Lot 1-3.

The area described contains 22.51 acres.

2. The Secretarial Order dated December 31, 1941, which withdrew public land for Air Navigation Site No. 173, is hereby revoked as it affects the following described land:

**Copper River Meridian**

Located within T. 40 S., R. 66 E., described as U. S. Survey No. 3758, Lot 1-2 and Lot 1-3.

The area described contains 27.06 acres.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of

1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

5. The portion of the area that is not withdrawn for the Forest Service, as described in paragraph 2, will be subject to Public Land Order No. 5180, as amended, and any other withdrawal of record.

Dated: December 8, 1995.

Bob Armstrong,

*Assistant Secretary of the Interior.*

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**43 CFR Public Land Order 7178**

[CO-935-1430-01; COC-56149]

**Withdrawal of National Forest System Land for Aspen Highlands Ski Area; Colorado**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order withdraws 3,333.34 acres of National Forest System land from mining for 50 years to protect recreational resources and facilities at the Aspen Highlands Ski Area. This land has been and remains open to such forms of disposition as may by law be made of National Forest System land and to mineral leasing.

**EFFECTIVE DATE:** December 21, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7076, 303-239-3706.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from

location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), for the Forest Service to protect facilities and resources at the Aspen Highlands Ski Area:

**White River National Forest**

**Sixth Principal Meridian**

T. 10 S., R. 85 W.,

Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 22, lots 1, 2, 3, 4, and 5, E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;

Sec. 23, lots 1, 2, 3, 6, 7, 8, and 9;

Sec. 26, lots 3, 4, 5, 10, and 11,

SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 27;

Sec. 28, E $\frac{1}{2}$ E $\frac{1}{2}$ ;

Sec. 33, E $\frac{1}{2}$  and E $\frac{1}{2}$ W $\frac{1}{2}$ ;

Sec. 34;

Sec. 35, lot 10, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ .

T. 11 S., R. 85 W.,

Sec. 2, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ ;

Sec. 3, N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ ;

Sec. 4, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described contains 3,333.34 acres of National Forest System land in Pitkin County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 50 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: December 8, 1995.

Bob Armstrong,

*Assistant Secretary of the Interior.*

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